



**Department of Toxic Substances Control
Green Chemistry Initiative
Proposed Regulation for Safer Consumer Products
September 15, 2010**



Frequently Asked Questions

- Q. What is the significance of the just-released Proposed Regulation for Safer Consumer Products versus the draft of this regulation that was issued by DTSC in June of this year?
- A. The draft regulation released by DTSC in June 2010 was the last of a series of informal drafts the department developed in consultation with a large group of diverse stakeholders and in consultation with green chemistry practitioners and scientists. The just-released Proposed Regulation for Safer Consumer Products represents the official regulatory package that DTSC submitted to the Office of Administrative Law (OAL) to begin the state's formal and legally mandated Administrative Procedures Act (APA) rulemaking process.
- Q: What are the differences between the two versions?
- A: DTSC, committed to open and transparent development of the green chemistry regulations, just completed a two-year unofficial process of stakeholder and public involvement. After issuing the last draft regulation in June 2010, DTSC received 762 pages of comments from more than 90 stakeholders, legislators and the public. The comments continued the widespread support for pursuing the basic principles of the Green Chemistry Initiative and focused on a few remaining issues. In considering these issues and potential changes to the draft regulation, DTSC consulted scientists, alternative assessment professionals, and life cycle analyses practitioners in academia, industry and private consulting firms. The resulting Proposed Regulation submitted to OAL includes changes to:
- Address criticism that the initial scope of chemicals list was too narrow. DTSC has significantly broadened the proposed scope by expanding the lists of authoritative bodies that could be consulted for establishing the chemicals of priority list.
 - Respond to concerns that the previous draft regulation's lack of deadlines could cause unintended delays. Proposed deadlines are now included for both chemicals and products lists along with specific timelines for various regulatory steps.
 - Additionally, DTSC has added a tiered process for alternative assessments intended to reduce the time for identifying safer alternatives and provide more specific performance targets to move manufacturers through the regulatory process.

- Address comments regarding the complexity of the process. DTSC has simplified the process and clarified what information would be required and how it would be submitted.
- Respond to requests to have public comments on regulatory actions. DTSC now proposes to allow public comment on any regulatory responses that are triggered by a DTSC ruling or determination.

Q: What are the next steps in the adoption of the regulation?

A: The next steps follow the legal process and timelines set by OAL which include:

- OAL posts the formal 45-day Public Comment Notice
- This posting of Notice begins the official 45-day public comment period □ Public reviews and comments on proposed regulation at:

<http://dtsc.ca.gov/PollutionPrevention/GreenChemistryInitiative/Proposed-Regulation.cfm>
- A public hearing will be held November 1, 2010.
- DTSC will accept comments electronically, via mail, and at DTSC offices or comments can be submitted at the November 1 hearing. All comments must be received by November 1, 2010.
- DTSC will review comments and consider changes to the regulation.
- DTSC will submit a final regulatory package to OAL and post it on DTSC's website.
- OAL will consider the final regulation package.

It is expected that the formal process to adopt the proposed regulation will be completed by the end of the 2010 calendar year.